

NEWINGTON TOWN PLAN AND ZONING COMMISSION

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Regular Meeting

January 26, 2022

  
Town Clerk

Chairman Domenic Pane called the regular Zoom meeting of the Newington Town Plan and Zoning Commission to order at 7:10 p.m.

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL AND SEATING OF ALTERNATES**

**Commissioners Present**

Chairman Domenic Pane  
Commissioner Bryan Haggerty  
Commissioner Garrett Havens  
Commissioner David Lenares  
Commissioner Jonathon Twister  
Commissioner Thomas Gill-A

**Commissioners Absent**

Commissioner Anthony Claffey  
Commissioner Stephen Woods  
Commissioner Hyman Braverman-A

**Staff Present**

Renata Bertotti, Town Planner  
Erik Hinckley, Asst. Town Planner/ZEO

Commissioner Gill was seated for Commissioner Claffey

III. **APPROVAL OF AGENDA**

No Changes

IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda; speakers limited to two minutes.)

None

V. **REMARKS BY COMMISSIONERS**

None

**VI. PUBLIC HEARINGS:**

- A. Petition 55-21 Special Permit (Sec. 5.2.7) to modify an existing freestanding sign to allow for LED prices at 430 New Britain Avenue. Applicant and Owner S & S Automotive LLC, Contact Carolyn Parker.

Christopher Holopar: I'm the owner of Imagining, my address is 14 Strong Street, Manchester, CT. We have a request to install an LED price sign in an existing free standing sign at 430 New Britain Avenue, Newington.

Chairman Pane: Would you like to explain what is going on, on the property?

Christopher Holopar: Yes. Currently it is a Sunoco gas station and they have a manual sign as you can see on the left of the screen, and what the owner would like to do is to convert it to an LED pricer, so that would be for regular fuel and diesel as well.

Renata Bertotti: As you know, we have, not that long ago actually amended our zoning regulations to eliminate the provision from the zoning regulations that explicitly prohibited signs, price signs for gas station from being lit in the Business Zone, and the reason for that was that under the special permit provision this would be presented to you on a case by case basis and you would look at the applications on each site by site locations and would examine for impact to the neighborhood. So when showed this to you originally the, I believe the vote was unanimous at that time for the regulation amendment. This application is, as you can see on the screen to essentially change the sign that is already lit up top and I am not sure if the diesel letters on the bottom are also lit at this time or not. The applicant can answer that question.

Christopher Holopar: Yes, the diesel sign is currently lit.

Renata Bertotti: So the top. Sunoco is lit, the bottom diesel is lit, and just the part in the middle, 2.79 regular and regular 3.06 that is the part that is currently not lit and that will be replaced by what you see on the screen, and the lit numbers that will show the prices. We did not have a problem, this is on New Britain Avenue, it is a commercial corridor, we did in the office, and I will submit this under the testimony, under public testimony a letter in opposition to this, so once we get to that I will read them into the record, so that is all I have to say.

Chairman Pane: I'll go to the Commissioners to see if they have any questions for the applicant or Renata? Is there any questions from the Commissioners concerning this application, or for.....

Commissioner Lenares: Just to confirm what I think we already know, the sign already has some illumination, and they are just trying to clean it up and make the prices a little clearer, and

bring it up to date kind of thing. The sign is already illuminated as it stands, it's just looking to re-illuminating some of the pricing on it, am I correct with that?

Erik Hinckley: That was my understanding, that they were just basically changing the current lit sign where they don't have to change the numbers, just by LED, so they can just change them from inside the store.

Chairman Pane: Thank you. Any other questions?

Commissioner Gill: Do we have a standard size for the numbers that is allowed?

Renata Bertotti: Under our regulations, I do not believe that we have a standard for the letters.

Erik Hinckley: It falls under their signage, so if they are allowed 100 square feet of signage, they are included in that, so if they wanted the pricing to use all their signage technically I guess they could do that, but we don't have, just for pricing we don't have a standard for that.

Commissioner Gill: The reason I'm questioning that is doing forward, I think we should look at this type of application that would be automatically allowed, you know, in a change, so if there is a standard size in the industry, then we could put that into our regulations for those types of illuminated signs going forward. That was the question that I had.

Commissioner Havens: Quick question, the current sign, versus the updated sign showing twelve inch digits, are the numbers approximately the same size on the existing sign that will be the same as the new sign, for height?

Christopher Hopolar: Yes, that is correct.

Chairman Pane: Are there any other questions? Does the applicant have anything else that he would like to add?

Christopher Hoolar: Not at this time, thank you.

Chairman Pane: At this time we will go to the public. If there is anyone wishing to speak in favor of this application?

Michael Fox: I'm definitely in favor of it, and as long as the sign itself is regulated, I see no reason to worry about the sign or the lettering, I don't think we can anyway. As far as Commissioner Gills suggestion that we allow it by right, I'm not too sure I would want to go that far, but I would like to see the Commission set something like this up like we did temporary signage where staff takes a look, does what has to be done and then lets the Commission know.

Chairman Pane: Anybody else wishing to speak in favor of this application? Is there anyone wishing to speak in opposition?

Erik Hinckley: As Renata said, we do have one e-mail. I don't know if there are any others. This is from Neil Pabe at 211 Eddy Lane: Regarding Petition 55-21, I want to express my concerns with the special permit at 430 New Britain Avenue. The convenience associated with the LED technology is understandable and would appear to be typical in most well established commercial corridors, however the business district associated with 430 New Britain Avenue is a unique and limited one. The rear properties are boundaries with residentially zoned neighborhoods. This district is a compact business node located in and predominately supported by adjacent residential neighborhoods. The use of a LED sign is not a permitted use, but set aside by special permit so the Commission can evaluate the potential impact on the existing and probable future character of the area and the potential impact on and consistency with adjacent properties. The addition of LED signage will upset the residential character of the neighborhood this business is located in. There are approximately eighteen other business uses in this tight and focused neighborhood. If the Commission is able to determine that this complies with the special permit criteria it would be hard to argue that the same special permit findings could not be made for the other eighteen businesses, that they may also see the advantage of installing similar signage. As part of the evaluation of this special permit request for one LED sign, the Commission should consider the appropriateness for this use on all lots within this particular business district located in this unique area. This proposal is a step towards the over commercialization of a small neighborhood business center, to prioritize the business interest of capturing the attention of motorists over the interest of neighborhood residents who routinely frequent this area on foot and by bike in supporting the local businesses. For the reasons stated above the addition of LED the addition of LED signage to this area would negatively affect the character of the neighborhood, places greater emphasis on commercial characteristics of a small local area over the residential characteristics that dominate the residential area this small business district is located in. A review of this and adjacent sites indicates that the proposed signage is not consistent with existing signage on adjacent properties, and not consistent with the adjacent residential uses. Thank you for your consideration.

Renata Bertotti: I received an e-mail today at 6:06 p.m. from B.J. Clinton. "Writing in to weigh in on the consideration to convert the large ground sign for the gas station on the corner of Maple Hill Avenue and New Britain Avenue to allow LED prices. This is a small home town business district at a crossroads of a large residential neighborhood. The businesses are primarily for the neighborhood/supported by the neighborhood and LED lighting is unnecessary. It is overly bright, and while I'm all for energy savings, I don't like it at the cost of making our small section look gaudy. Once one business does this, it would set a precedent to allow other businesses to do the same which will have a detrimental effect. Please read my comments into the meeting. Thank you B.J. Clinton

Chairman Pane: Is there an address for that person?

Renata Bertotti: No, not for B.J. Clinton.

Chairman Pane: No other letters or e-mails? Anyone on the phone that would like to speak in opposition? What is the will of the Commissioners? Would you like to close Petition 55-21 and move it to Old Business?

Commissioner Lenares moved to close Petition 55-21 and move it to Old Business. The motion was seconded by Commissioner Haggerty.

Commissioner Trister: Just a point of clarification on the current regulation. In order for other businesses to do the same thing as some of the callers suggested they would also have to, it's a case by case basis, is that correct?

Chairman Pane: Yes, I have Renata explain that to you.

Renata Bertotti: This particular rule is pertaining to gas stations, and only gas stations so this prohibition belongs to the pricing signs to the pricing on the signs that belong to the gas station only, so that is what the rule is about. In this particular district there are no other gas stations, there are other districts where you have other gas stations and each gas station comes with, first of all the fuel stations are subject to special permit. Free standing signs are subject to special permit. Any change, any substantial change to the free standing sign requires a public hearing and the special permit, which is what this is. So, if it is a gas station, then yes, if it is something different, I don't know, it depends.

Chairman Pane: So it only applies to gas stations John, and if it was another business Renata I would assume that they would have to come in front of us. We don't have anything that covers that for other businesses do we?

Renata Bertotti: If it is a substantial change to the free standing it comes to you because any special change to any free standing sign, it goes to you anyway. That is a special permit on its own.

Chairman Pane: Right, but we haven't allowed LED for other than gas stations, have we?

Erik Hinckley: To my knowledge no, you are correct. We have regulations regarding digital menu boards, and anything flashing, crawling, things like that are prohibited.

Commissioner Gill: the question I have is, there is no animation, no flashing of these lights, it's just a constant LED light?

Chairman Pane: Correct, yes.

After a roll call vote, the motion to close Petition 55-21 and move it to Old Business passed unanimously with six voting YEA.

- B. Petition 50-21: Zoning Text Amendment (Sec. 6.16) to add medical marijuana dispensary Facilities and production facilities, Adult Use Cannabis, Cultivator, and micro cultivators to the PD Zone and to add adult use cannabis retailer, hybrid retailer, medical marijuana dispensary facilities to the PD and B Zone. Applicant and Contact, Newington TPZ. Continued from 1-12-22

Renata Bertotti: This is as you can see, continued from the last meeting. Just a quick recap, we had originally, before I came on board allowed medical marijuana dispensaries in the Berlin Turnpike zone and in Industrial zone, and we allowed medical marijuana production facilities in the Industrial zone. Then last summer, one of the new laws that was passed, was the state allowed recreational cannabis sale and cultivation and following that we adopted a regulation to allow cultivators and micro cultivators in Industrial zone and we adopted to also allow retailers and hybrid retailers which the distinction is whether you have a pharmacy or not, recreational cannabis in the Business Turnpike Zone. That Business Turnpike zone is essentially the northern portion of the Berlin Turnpike area. After discussion, the Commission expressed an interest in perhaps reviewing some additional areas for expanding this use and in particular, there was discussion around perhaps allowing it in a PD Zone and maybe considering Business Zone. So at the last meeting we talked about that, I gave some things that I wanted the Commission to think about. We do have a property that is zoned PD in the downtown area, I have some, I don't want to call them concerns, but I just have, I want the Commission to think about whether or not a cultivator or a micro cultivator would be appropriate in that location, that PD Zone, so if we were going to allow the location for that. I also am, I also talked about allowing sales in B Zone. B zone is generally our neighborhood surrounded business zones, so those are smaller parcels that are in residential neighbors. They do have several business parcels that are near schools, we have one near Martin Kellogg, near the high school, so with that in mind, if the Commission is comfortable with these things, I personally don't really have a good feeling one way or the other. These are the uses that are going to be very, very heavily regulated by the state. That gives me some level of comfort, because it's not going to be that easy to get that license that easily. There will be a number of control factors before somebody can open, but still, I think as a community we want to be comfortable as well. I feel very comfortable allowing hybrid retail and retail in the PD Zone, I think that is quite appropriate. The lower part of the Berlin Turnpike is really, it really is kind of like a no brainer in my mind. I would have no problem seeing it there. I don't know how the Commission feels about that. We have prepared motions in all kinds of ways, so the Commission, you can talk about it, you can consider any which way you want to do this tonight, and then once you decide, we have pretty much every version of motion for tonight, so whatever way you decide to do this, we will have it ready for your vote. I originally proposed that to add the cultivators and micro cultivators to the PD Zone and then retail and hybrid retail to PD and B zone, because that is how it felt to me after that original discussion the Commission was leaning that way. Whether that is how you want to go or whether you want to limit down to something much more conservative or more conservative is up to you.

Chairman Pane: Thank you. We'll go to the Commissioners to see if they have any questions?

Commissioner Lenares: The only thought I had was when we first talked about some of this, some of this is obviously very new to the Commission, and some of the towns going forward, some of this innovative types of businesses, the only thing I was cautioned about was, as the

Planner said, some of these areas that are mentioned are almost like no brainers, they almost easily would go into one of these areas, but just to be cautious about allowing them into maybe too many places all at once without knowing as much information as possible about this innovative new type of industry, just to kind of bring it along a little slowly and cautiously.

Commissioner Haggerty: I think there are some parts that make sense, the lower part of the turnpike, and I think my concern is having the PD zone in the center of town. I'm not sure I would feel comfortable essentially having a dispensary in the town center. That would be my main concern.

Commissioner Havens: I remember when we were doing this earlier, that you could have one dispensary based on how many people were in the town, the population. Now is there a limit as to how many we can have over all or regardless of where we zone them, is there a limit to the number that we can have, or is that set at the state level?

Renata Bertotti: It is limited. There are limits to some things, the state limits dispensaries, medical marijuana dispensaries, state limits medical marijuana production. There is a state limit that mandate to towns with micro cultivators, so those are the growers between 2,000 square feet and 10,000 square feet and we can have two of those, maximum. They must be a special permit and then we also can have two hybrid, or no, either retail or hybrid, those are regulated. The medical part is regulated by the state.

Chairman Pane: There was a question concerning whether or not, if we allow it in the PD, could it still go in the center of Newington and is that by special exception? Would we be able to control that or not?

Renata Bertotti: Yes, it's a special permit and you can control it by special permit and you can control it whether you allow both grower, the cultivation and sale it is all special permit so you always have that level on top.

Chairman Pane: One of the main reasons we kept this open was to hear from the public a little bit more, so we'll open it up to the public. Is there anyone from the public wishing to speak either in favor or against this.

Rose Lyons, 46 Elton Drive: Seeing I was the only one here in the beginning of all of this, I'm still sitting here watching, probably seven or eight years later, I had a question, just for clarification. Right now we have one medical marijuana dispensary on the Berlin Turnpike and I think Matt Carbrey came before you, I don't know if it was approved for hybrid, have they gotten their license? I'm not quite clear on that. So if maybe Renata could address that question, and one of the other things is, given that I live in one of the areas where it is a PD Zone that could be affected near the high school and Martin Kellogg, I'm just wondering if that is the 7-11 plaza, and I would also like to know where in the center of Newington the PD zone is, and I'm feeling confident about this because you will have oversight should it come to someone wanting to come into town and put any kind of facility in a PD area, but I would just like a visual as to where the PD zone is that might be affected by this should they come in the future.

Erik Hinckley: If you look at the map now, it's the Keeney plant on Main Street that is PD.

Renata Bertotti: I do not know whether or not know whether they have their license for hybrid sale or not from the state. I don't believe that anybody can start selling anything at least until this summer, not even until maybe the end of the year, because that legislation is also based on how the state will issue the licenses. I don't believe that hybrids count, so in addition to them, in our town, we also will be limited to have two more. The present one doesn't count because it includes the medical part.

Rose Lyons: I probably interrupted Erik, but the other PD, is that the 7-11 plaza over on Willard Avenue?

Erik Hinckley: That is actually the B Zone but the 7-11 Plaza, yes.

Rose Lyons: I thought you said there was a PD Zone in that area, no?

Erik Hinckley: No, there was a consideration of using the B zone as well and that was of concern.

Chairman Pane: Anyone wishing to speak in favor or in opposition? Did we receive any letters or e-mails?

Renata Bertotti: No. We had someone who spoke in favor at the last meeting if you recall.

Chairman Pane: If there is no objection, I'll entertain a motion to close Petition 50-21.

Commissioner Haggarty moved to close Petition 50-21 and move it to Old Business, seconded by Commissioner Havens. After a roll call vote, the motion passed unanimously with six voting YEA.

C. Petition 52-21: Zoning Text Amendment (Sec. 3.22.1) to define and allow commercial vehicles as an accessory use in Residential Zones, Applicant and Contact, Newington TPZ

Renata Bertotti: I hope we are at the end of this. The Commission asked me to finish what the previous Planner started, and it is my understanding that actually before all of that you had quite a bit of spent discussing this matter. A review of his draft, I provided you with some comments on that, and what I can tell you is that our current regulation as written is really confusing. There is a definition of commercial vehicles that includes a number of things including vehicles such as buses and semi-trailers, trailer trucks, dump trucks, wreckers, trailers used for commercial vehicles, a lot of things, but then these large, if you look just down further in this section are probably excluded because they very likely exceed the gross vehicle weight of 10,000 pounds, they likely exclude 20,000 feet in length, they likely have more than two axels, more than four tires, so it's a lot of things when you read one thing that says you can have this, but then just like three lines down it actually says that you can't have it, so it's just not the best way to kind of write this up, so I very much welcome the fact that the previous Planner cleaned this language up a little bit, I also agree with the approach of excluding some of these larger vehicles from being allowed to, as of right, to park in the residential neighborhood. It is still allowed to do that under the special permit, but you know, you have to have a public hearing notice, notify the neighbors, and have a hearing in front of the Commission to do that, so there is some



consideration for these kinds of things that are likely impactful to neighbors. When we last talked about this, and we discussed this first in a sort of, not a formal, this was like under Town Planner report, it wasn't in a public hearing setting, we talked about it and somebody on the Commission noted that it wasn't quite clear in the regulation as they were drafted that allowing commercial parking meant allowing commercial parking, that it didn't actually prohibit people from operating their commercial businesses from these commercial vehicles, so in order to remedy that, I recommend that we add, under 3.22.1.C.1 where it starts with commercial vehicle, we just add parking of a commercial vehicle, customarily used by the resident for transportation. So that, in my interpretation would clarify that that is what this means. It doesn't mean you can have a vehicle and then you can sell ice cream out of it, or you can do something else with it, right? Then there were some other things that I think were just deleted kind of by mistake because they didn't really belong to this deletion, so we eliminated that, because I didn't see anything supporting that, so those are the subsections B and E which have nothing to do with commercial vehicles. That is really all I have to say about this, I just welcome simple, user friendly amendment and I believe it will require a public hearing to allow parking of larger commercial vehicles on a regular basis.

Another thing, as Erik and I were talking about this, he pointed out that he occasionally receives complaints regarding parking of semi-truck cabs on property, so the Commission may want to talk about that and just see if we want to do anything about that.

Erik Hinckley: I have actually had more calls about the semi-truck cabs than just other regular commercial vehicles. Especially recently for some reason, I have had three or four in the last couple of months where just the cabs are parking in the driveway.

Chairman Pane: This regulation would not allow that, and we don't allow it now. Is that correct?

Erik Hinckley: It's not allowed but I don't know if it is clear enough here, if you just want to have the language so everyone is clear, so when you look at it we can just say, look, semi-cabs are right here as one of those that is not allowed.

Chairman Pane: Thank you. Are there any comments or questions from any of the Commissioners concerning this?

Commissioner Haggerty: I guess some questions that I have is, I don't think it would apply to a lot of people, but one thing I noticed, food trucks, maybe there are some business owners in town that operate a food truck and they park it in their driveway, or perhaps an ice cream truck, I think another area where there were no trailers allowed of any kind, and I think that might hurt any of the landscapers in town, and you are not allowed to have any modifications to a truck such as a plow, again, the landscapers who might plow in the winter, I mean that would no longer be allowed, is that correct?

Renata Bertotti: Where do you see that, about modification?

Commissioner Haggerty: Well, certainly the first couple that I mentioned, designed to sell food or merchandise directly, does that mean if somebody owned a food truck, as a business or an ice cream truck, that would be excluded.

Renata Bertotti: That would be excluded yes. And then, modifications or attachments including, but not limited to plow. This statement has been deleted.

Commissioner Haggarty: Okay.

Renata Bertotti: So this language, this language that says modifications or attachments including but not limited to plows and all that stuff, that has been deleted. That is how it was in the regulations before, so this was before. When it was re-written the deletion was removed. Now the food trucks, where is that?

Erik Hinckley: That is number seven, crossed out.

Renata Bertotti: So that also was deleted but I don't know that our revised version actually allows it.

Chairman Pane: Wouldn't you be able to have the truck in your side yard but you wouldn't be able to use it to sell food out of it from your house.

Renata Bertotti: Right.

Commissioners Haggarty: I'm not suggesting that people start operating businesses but if you are a business owner and that is where you park your truck at night.....

Renata Bertotti: The was the whole idea. The premise of this regulation was, if you are a small business, like a landscaper, a food truck operator, an electrical contractor, with a truck that has signage, you can park the truck the side or rear of your property and be able to be there without violating any kind of rule, as long as you didn't operate out of that location.

Chairman Pane: Any other questions from the Commissioners? Is there anybody from the public wishing to speak in favor of the Petition?

Stew Droz, 74 Glenview Drive: Thank you to all of the Commissioners, all of you volunteer and the amount of work is insane so thank you. I support the changes as written even if we do have the semi cab added to it. We moved into Newington about twenty years ago and we did so because of the very friendly feeling of the town. I mean, it's a middle class town without the pomposity or arrogance that you really get in some other towns that I have lived in, the whole my Mercedes is nicer than yours type of feeling. People in Newington are much more likely to help you with something or loan you a tool, or invite you in for a beer, even if you barely know them. I understand a lot of middle class folks have a lot of white collar jobs, health care, education, office work, administrative, there are thousands and I also understand that there are a lot of blue collar, middle class workers in Newington, plumbers, landscapers, electricians, roofers, carpenters, the type of people who are more worried about their shower after work than their shower before work.

Blue collar people need different kinds of tools and in many cases they need to bring those tools home. I mean, what if they are on call and they need to go to work at three in the morning because there is an emergency. That is when they are needed and they need those tools to actually do that. What if they are a business owner and it is the only truck that they have and while I'm on the point of owning a business some people on the call to those business owners

they pay property taxes on every tool they use, every year. If the normal person goes out and buys a hammer they will pay their sales tax on their hammer and they own a hammer, if a business owner buys a hammer, they still pay the sales tax, but every year they have to pay property tax on that hammer to the town which also reduces the tax burden on everybody. So it's really kind of everybody is working together kind of thing. Now, also in regards to the way that it is written and to emphasize what you have already discussed this is really for parking only. If you are going to have a business in your house, if customers come and go, if workers show up every day, we're not talking about some contractor leaving ladders outside in front, because that would be covered under blight. We're talking just about parking. A couple of quick interesting notes, Bill Gates and Paul Allen started Microsoft in a garage, Jeff Bazos started Amazon in a garage in Washington. In closing, Newington is a really middle class town doing middle class things, and some of us business owners are just here trying to do the middle class thing and feed our families so I do support this the way that it is written and again, thank you all for your time and what you guys do.

Chris Miner, 419 Revere Drive: I'd like to thank the Commission for finally taking this up and getting this hopefully resolved. It's been a long standing issue in Newington for as many as 30 plus years as I can recall and a few concerns that I had I just wanted to make sure that this is clarified. The towing industry, specifically contractors for the Town of Newington, are required to respond to an accident or incident within a 20 to 30 minute time frame. To do that, the only way the drivers can effectively meet that response time is having their emergency vehicles, or tow truck or flat bed at their home and responding directly to the incident. That is my concern, because some of these flatbeds can be 26,000 or 33,000 gross vehicle weight. That was a concern on that, and in regards to that, in regards to the gross weight for trucks, I know my particular crew cab pickup truck, dual wheel is 15,000 gross weight, and those are the only issues that I have concerning as well as trailers exactly, what is allowed and what is not allowed, by any changes made specific to trailers. I know quite a few contractors have got closed trailers just for the convenience of being able to lock all the tools within the trailer, be able to store it, they are not working out of their home, but that is their take home vehicle. Thank you again for taking this up and have a good evening.

Rose Lyons, 46 Elton Drive: I thought back about 15 years ago when one of my neighbors wanted to have a little catering business out of his house and the biggest stumbling blocks were getting the TPZ to allow him to put a small magnetic sign on a van. The neighbors came together and said we had no problem but still it was denied. I'm glad to see that we've come a long way since then. The trailer cabs bother me and I'm glad that Erik brought them up. I live off of Dowd Street which if you are not familiar with it, there is a little bit of an incline as you come up from Main, and during the summer I've noticed a cab either in a driveway, that wouldn't bother me, but the trailer, with the cab attached to it has been parking on the hill there. I'm guessing that might have been one of the complaints that he had received from the neighbors, not from me, but I don't live on Dowd, but coming out of Dowd, it's an obstruction trying to look to see who is coming up from Main Street, so that would be one thing that I would like you to consider when you are getting these regulations up and running. Thank you.

John Bachand, 56 Maple Hill: I only tuned in late so I'm not up to speed on everything but this is something that is near and dear to me because I am a home based contractor. I have a class 5 truck, what they used to call a one ton, which as Chris Miner mentioned, the gross vehicle weights are, he mentioned 15 but mine is 12 five. I just saw the number ten up there I thought

that was really low because even a single wheel heavy duty pick up trucks now are up around ten or more. Again, I'm not criticizing anything because I don't know what the, I didn't have a chance to follow what you are proposing. I did participate in this process a few years back, and it is an ongoing thing. Newington is a serviced based work force, a lot of us anyway, and I don't think that trend is going backwards, so just hope that you look at everything carefully, like I said, I turned in late so I didn't get a chance to read up on it, but just consider the DPW rating especially, and everything else I'm sure is reasonable. Thank you very much.

James Imbert, 97 Glenview Drive: Two years ago I was approached by the town Planning and Zoning saying that I had a trailer that was a commercial vehicle that was in my driveway and I had a truck with a plow on it. They considered that a commercial vehicle. I know a bunch of people, I know Stew up the street up the street also ran into the same problem, I'm hoping that you correct the wordage in there regarding a plow on a truck as far as a commercial vehicle. I don't have a commercial vehicle, I never did, and the trailer I had fifteen years in the driveway, never was a problem. Thank you very much.

Chairman Pane: Anyone else wishing to speak in favor of this application? Anybody wishing to speak in opposition?

Renata Bertotti: Just for the record, before we move from public participation I just wanted to interject really quick because for a minute there we were having some trouble sharing our screen and some of the statements that were made, they were made because we are sharing the text that was deleted, but for some reason we cannot share the actual clean version. So I'm just going to ask you to hold up and Erik, that is great. Again, for the public that just spoke, I want to make a couple of things clear. So, all the references to the gross weight, the dimension, they are actually deleted. So right now we do not have prohibition for a vehicle of 15,000 or whatever. What you see on the screen is a commercial vehicle is used by the resident for transportation, it is permitted for a dwelling unit, we will add the word parking of a commercial vehicle customarily used by the resident for transportation is permitted for each dwelling unit on a lot. Such vehicle can be parked either in a driveway or some other suitable paved area, in the side or rear yard so no parking in front of the property, it is a motorized vehicle that is used to carry, deliver, handle goods in the conduct of business, profession or trade on a regular basis. Commercial vehicles can be step vans, pick up trucks cargo vans, box trucks, Vehicles permitted to be kept on a residential property in accordance with Section C.1 do not include heavy duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type construction equipment, buses, semi-trailer, tractor trailers. Personal vehicles that are used for transportation of handicapped persons are exempt, and then we have a separate division in the zoning regulation that deals with commercial vehicles that can be allowed under special permit. So that is how it will be, if the Commission adopts it, unless the Commission considers some changes. This is an actual language of what we are proposing. The stuff that was shown in red is the text that showed our current regulation, what it is, and the changes that were made.

Chairman Pane: I have a question. Would tow trucks, emergency vehicles, that would also be allowed by these changes, correct?

Renata Bertotti: Yes.

Commissioner Gill: At one time we had a number of vehicles that were allowed in the driveway, is that still in there?

Renata Bertotti: One commercial vehicle.

Commissioner Gill: So we could have a special exception, and where that came up is during Covid I was required to bring my Eversource vehicle home. If I had a commercial vehicle, then there would be two. So would I have to go for a special exception to have that vehicle there?

Renata Bertotti: Yes.

Commissioner Gill: Okay, and how long does that exception last?

Renata Bertotti: Special permit, you can set a time frame or you cannot not. If the use is allowed, you don't have to set a time frame.

Commissioner Haggarty: So all these commercial vehicles are by right Renata? Is that correct, one commercial vehicle by right?

Renata Bertotti: Yes.

Commissioner Lenares moved to close Petition 52-21 and move it to Old Business, stating that the public participation process should be closed, but additional time should be taken before voting in understand and incorporate the language of the petition. The motion was seconded by Commissioner Haggarty. The motion was seconded by Commissioner Haggarty. After a roll call vote, the vote was unanimously in favor of the motion, with six voting YEA.

## **VII. APPROVAL OF MINUTES**

Commissioner Haggarty moved to approve the minutes of the January 12, 2022 meeting. The motion was seconded by Commissioner Gill. The motion was unanimously approved with six voting YEA.

## **VIII. NEW BUSINESS**

None

## **IX. OLD BUSINESS**

- A. Petition 54-21, Zoning Text Amendment (Sec. 3.19.2.B.1) to delete the requirement that residential development in the PD Zone be limited on sites with direct access to the Berlin Turnpike or streets that directly connect to the Berlin Turnpike, Applicant: Alan Bongiovanni. Tabled from January 12, 2022.

Renata Bertotti: So if you remember the public hearing on this application has closed last meeting and on the record, the applicant's attorney argued that the provision proposed to be deleted which is the provision that requires that a potential site development be either directly located on the site with direct access to the Berlin Turnpike or streets that directly connect to

the Berlin Turnpike, be deleted from our regulations within the PD Zone. It was argued that this provision is vague, and undefined. That it was used either to control traffic, that it conflicts with our POCD, and that it places unreasonable restrictions on residential use and excluded otherwise suitable sites in other PD Zones because our PD Zone is located throughout town and not necessarily along the Berlin Turnpike.

As you remember I spoke of this as being a regulation that existed on our books, in our records we were able to establish at least from 1988, so for a number of years, and that it was probably related to either an attempt to control traffic on residential streets which as I indicated in my testimony and in my memo I did not think was a helpful provision to do it that way, or it was included in the regulations to monitor, control multi-family housing development period. So at this point, the Commission considers this as a zoning regulation amendment, this is, as you know, related to the entire PD zoning district. It's not associated with any, or it shouldn't be considered as a part of any particular development. It has to be viewed in a context of the PD Zoning District, and you should look at this whether or not it makes sense in a context of the PD Zone regulation, whether the provision fits the goal and objectives of the Plan of Conservation and Development, and whether it serves the zoning district in some manner. So those are the things that you can act on.

Chairman Pane: I have a question. If this is eliminated, do we still have protection for the PD zone under special exception to look at traffic?

Renata Bertotti: Absolutely. That also was, in looking at the special development in the PD Zone, the use is subject to approval of special permit. Under your special permit criteria one of the criteria requirements is for the Commission to look at the provisions related to traffic impact associated with a development. So one of your criteria, under 5.2 which is the standards for all special permits, subsection 5.2.6 in reviewing the proposed special permit the Commission shall consider the following criteria as well as any specific criteria pertaining to the request. Then subsection B talks about traffic circulation throughout the site, amount, location and access parking and traffic load for possible situation problems on existing streets or proposed streets and driveways considering impact on existing streets are affected. For large scale developments in excess.....so the next section talks about retail development. So to answer your question, yes. For a special permit you would be required as a Commission to look at traffic.

Chairman Pane: Thank you. Any comments or questions, or do any of the Commissioners have anything they would like to get clarified? Any questions from the Commissioners?

Commissioner Lenares: When we talked about the access points, this is the whole PD Zone through the whole town, correct?

Chairman Pane: Yes, this addresses all PD Zones. Anything else? I'm happy to see that under special permit we have the same control for traffic under the review process for any PD Zone. Are there any other questions?

Commissioner Lenares moved to approve the zoning text amendment with the effective date of February 8, 2022.

## REASONS FOR THE APPROVAL

Proposed regulation amendment meets one of the goals of the POCD to "provide housing options for a variety of household types, sizes, ages, tenures and income with safe and stable neighborhoods." While at the same time allows for the initially intended control of traffic on residential streets by the way of special permit.

The motion was seconded by Commissioner Havens. After a roll call vote, the motion passed unanimously with five voting YEA and one Nay (Trister)

- B. Petition 55-21 Special Permit (Sec. 5.2.7) to modify an existing freestanding sign to allow for LED prices at 430 New Britain Avenue, Applicant and Owner: S & S Automotive LLC., Contact Carolyn Parker.

Commissioner Lenares moved to approve the special permit Petition 55-21 to allow modification of an existing sign to add LED fuel pricing.

## REASONS FOR APPROVAL

This application meets the zoning regulations and is an allowable use in the B Business Zone.

The motion was seconded by Commissioner Gill.

Commissioner Haggerty: On the turnpike with the Firestone and that concerned on-going questions with the lighting and the surrounding residents, did the ultimate solution come to be that there was a, that the light was on a timer? Am I remembering that correctly?

Chairman Pane: It is possible. Renata?

Renata Bertotti: I was not here, I was not here for the approval of Firestone. I don't know anything about that.

Commissioner Haggerty: I guess I'm sensitive to the surrounding homes and LED lighting, I really think a gas station should have LED lighting, but is there some sort of compromise or appeasement, I mean can these lights be on timers, or is that not possible.

Chairman Pane: I think if it became a problem they could be put on a timer. I don't think they are open all night. Commissioner Lenares probably has better knowledge of that.

Commissioner Lenares: I'm pretty certain that this sign, while it is already illuminated except just the numbers, I believe it turns off as the station closes and I believe the station closes relatively early, like ten o'clock.

Commissioner Haggerty: Okay, thank you. I just wondered, if they were on 24/7 how that could be an issue.

After a roll call vote, the motion passed unanimously, with six voting YEA.

- C. Petition 50-21: Zoning Text Amendment (Sec. 6.16) to add medical marijuana dispensary facilities and production facilities, adult-use cannabis cultivator, and micro cultivator to the PD Zone. Applicant and Contact Newington TPZ. Continued from 1-12-22.

APPROVE:

Commissioner Haggerty moved to approve the zoning text amendment with the effective date of February 8, 2022.

Option 1: To add medical marijuana dispensary facilities and production facilities, adult use cannabis retailer, hybrid retailer, medical dispensary facilities to the PD and B Zone.

Option 2: To add medical marijuana dispensary facilities and production facilities, adult use cannabis retailer, hybrid retailer, medical marijuana dispensary facilities to the PD zone.

The motion was seconded by Commissioner Gill.

Erik Hinckley: I believe you have to decide which option you want.

Chairman Pane: Renata, the first option is your original plan?

Renata Bertotti: The first option allows you to add the adult use cannabis retailer and hybrid retailer as well as the medical marijuana dispensaries to the PD and Business zone.

Option two allows the above listed only to the PD Zone. Erik, why do I not see cultivators on this?

Chairman Pane: What about the Berlin Turnpike Zone?

Renata Bertotti: The Berlin Turnpike we already allow.

Erik Hinckley: It must have gotten omitted in error.

Renata Bertotti: And then the other thing, the motions are missing, we haven't included, and this is my error, cultivators and micro-cultivators, so if you want to consider adding those, again, do you want to add them, and if you do want to add them, they should be added just to the PD Zone, they definitely should not be added to the B Zone, so if you want to consider adding them, you can add them to your Option 2.

Chairman Pane: Should we withdraw this so you can clean it up for the next meeting?

Renata Bertotti: I recommend that you act tonight, because we are getting quite a bit of phone calls from people who are already interested, they are interested in knowing where the town is going. Most of the phone calls that I'm getting are about Industrial zone or PD.

If you are not comfortable, by all means, don't vote, but I am getting some phone calls so if you have some level of comfort, please act.

Chairman Pane: The original proposal that you had, was it option one or two?



Renata Bertotti: The original was option one. It included the Business zone, I don't feel very comfortable with having sales in the business zone.

Chairman Pane: So you do not recommend Option one?

Renata Bertotti: I do not. I feel there are many areas that are near residential neighborhoods, and regardless of the special permit provision, it's just a little bit too much for my comfort to allow this use which has not been tested. There are certain elements that include a generation of income for municipalities that worries me that in a sense that this might be one of the income generators for the town that might trigger towns to want this. I think we should take baby steps with this, at least until we have a couple so we see how this may look, what is the impact. I don't know what kind of traffic they will generate, I don't know what kind of.....that is the concern for me because I look at these things, I worry that you might end up having a traffic generation that exceeds what we may predict or expect, and if this happens in the middle of a residential neighborhood, that would be to me more concerning than a PD Zone.

Erik Hinckley: On the screen now is the original draft for Option Two which includes the hybrid retailers, I mean the cultivators.

Chairman Pane: Commissioner Havens, you made the motion, do you want to choose an Option?

Commissioner Havens: I'm comfortable with the Town Planner's recommendation of Option Two.

Chairman Pane: If you could read that into the record please?

Commissioner Havens: Option Two: To add medical marijuana dispensary facilities and production facilities, adult use cannabis cultivator, adult use cannabis retailer, hybrid retailer, medical marijuana dispensary facilities to the PD Zone.

Chairman Pane: Is that okay with the seconder?

Commissioner Gill: Yes.

Chairman Pane: Do we have any other questions or comments?

Commissioner Lenares: Just to be clear, my only comment was Option Two that was just read into the record for the petition, that is the one that the Planner spoke about, that she is most comfortable with the baby steps moving forward, protection of the neighborhoods, and including the micro-cultivators and all that and all that stuff?

Chairman Pane: That is correct.

After a roll call vote, the motion passed with five in favor, and one opposed (Haggerty.)

- D. Petition 52-21: Zoning Text Amendment (Sec. 3.22.1) to define and allow commercial vehicles as an accessory use in Residential Zones, Applicant and Contact: Newington TPZ.

Chairman Pane: I think it was the recommendation to leave this until our next meeting.

**X. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- A. Petition 03-22: Special Permit (Sec 3.2.1) to allow a church at 249D New Britain Avenue. Applicant and Contact Sherly Nevarez, Owner, Newington Thai LLC.

**XI. TOWN PLANNER REPORT**

Renata Bertotti: I am going to just remind everybody that the presentation that was done at the last meeting in regards to the February 16<sup>th</sup> Walk for Newington Junction, I have a sign up sheet. I have a registration sheet and a sign up sheet, so if anybody in the public would like to attend the Newington Junction Walk, please let me know, and I will share this link with you. It is the presentation that was made by Desegregate Connecticut and Coalition for Center for Latino Progress.

On our future agenda, the Zoning Board of Appeals has no business coming. The next Planning Commission meeting you will have an application for 249 Day Street and 16 Fenn Road has a site plan modification scheduled. There are two applications in front of the Conservation Commission, one will be to act on 249 Day, the other is 77 and 93 Pane Road, there is again regulatory authority proposing a business at that location.

We have moved the proposed Weber Nursery application to the February 23<sup>rd</sup> date, that is the application where they are seeking a permit to conduct an activity which happens annually for a ten day period, so that is moved, and then we have a couple of text amendments that have been postponed because of timing. There is a proposal on New Britain Avenue for a church that the Chairman just read; there is a proposal for a residential development in the PD Zone on Pane Road that will be coming, tentatively scheduled for the second week in February as well. The first meeting in March, we have received an application for the zoning regulation amendment today for PD Zone to amend several sections, and this is a petition received from outside, it's not a petition from the department to amend several sections of the PD Zoning Regulations. That is tentatively scheduled for March 9<sup>th</sup>.

**XII. COMMUNICATIONS**

None

**XIII. PUBLIC PARTICIPATION**

Rose Lyons, 46 Elton Drive: Just a thought, and there are not too many of us out here watching these meetings, and you know that, but during the public hearings, is there any way that you could put on the screen like you have right now, the toll free numbers, the webinar ID and the password so people who come in late, and don't catch it in the beginning, if we're watching and would like to say something that we have the information in front of us, I did miss your earlier meeting because I was having difficulty getting onto it, just a suggestion for public hearings. I

know people can't talk when you are discussing old business, new business, but it's very hard and it has been hard for two years, so just a suggestion.

Chairman Pane: Erik, is it possible to do what Rose requested.

Erik Hinckley: I think we could adjust our slides and put the same information up for each public hearing or something along those lines. We'll see what we can do.

Chairman Pane: Thank you.

#### **XIV. REMARKS BY COMMISSIONERS**

Commissioner Lenares: Just to welcome Commissioner Twister to the Board, and to obviously say thank you to the past Commissioners, Commissioner Fox and Sobieski for all of their time. I enjoyed serving with the both of them and enjoyed some of the communication that we had back and forth, whether we were on the same side or not, it was always respected and encouraged and to Commissioner Twister, welcome aboard.

Chairman Pane: Thank you, I echo those thoughts too.

Commissioner Haggerty: Just the same, thanking Commissioners Sobieski and Fox for their service to the town and welcome Jonathon.

Chairman Pane: Welcome Jon, and as the other Commissioners said, I thank Commissioners Fox and Sobieski for their years of service to this Commission.

Gail Budrejko: Commissioner Fox and Sobieski are no longer members of the Commission and I wanted to thank both of them for their service. They each brought a different level of expertise to the table and they had different strengths, different areas where I think the Commission relied on them a lot and some were difficult decisions and some were routine, but they both, I thought conducted themselves very thoughtfully, very respectfully, and I as member of the Public and also liaison learned a lot of each of them. I do think that the new Commissioners have some pretty big shoes to fill, it's a loss of a lot of expertise to the Commission, and I want to thank them for their service.

Kim Radda: Again, echoing what other people have said, including Councilor Budrejko, thanking Commissioners Sobieski and Fox and also welcoming Commissioner Trister to the TPZ. As a liaison from the Council, I'm learning a lot as I participate and sit in on these meetings, and I want to thank you all for your time. I have one question, and this, I started thinking about this after Commissioner Haggerty said, and I'm not sure of this is under the purview of the TPZ, but it might be. Do we have any relations relating to the timing of commercial lighting, lighted signage with the impact on residential developments.

Chairman Pane: I'll try to get that answer for you, but I believe the way that the lighting is on commercial properties, it's not supposed to go beyond your own property, and I think the regulations are set up that way. I'll ask Erik or Renata if they can answer that question for you.

Erik Hinckley: Lighting is not supposed to be directed off of the site, TPZ has that purview on a site plan review, that's why they provide a lighting plan and they have to prove that they are not going to have a bleed off of light onto other adjoining properties, and lighting from a site is not supposed to affect traffic as well. As far as, there are no parameter that say you can't have lighting between 11:00 p.m or 4:00 a.m., we don't have any time frames, per se. If you see an illumination plan, it shows you each fixture and how much lighting is being directed onto the site. So you can see off site, that you are getting no bleed off onto other sites.

**XV. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Pane: I want to thank everybody for tonight.

**XVI. ADJOURN**

Commissioner Havens moved to adjourn the meeting, seconded by Commissioner Lenares. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Norine Addis,  
Recording Secretary